

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.

09-cr-25-01-SM

Mack L. Ford

ORDER

Re: Document No. 25, Motion To Reconsider Sentencing

Ruling: Denied. While the government cannot, in my view, invoke the delay occasioned by affording the government an opportunity to address the issue raised by defendant only to then invoke that very delay as a basis for denying relief (e.g. principles of estoppel and the availability of nunc pro tunc relief preclude such strategems), still, the referenced bill does not yet constitute applicable law. While one might speculate about the likelihood of the bill becoming law, speculation alone is insufficient to justify further, or indefinite, delay in the administration of justice in this case. Should the Congress pass the bill, should the President sign it, and should the enacted law provide for its retroactive application, adequate remedies remain available to the defendant.


Steven J. McAuliffe
Chief Judge

Date: April 19, 2010

cc: Debra Walsh, AUSA
David Bownes, Esq.
U.S. Marshal
U.S. Probation